

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:21-cv-00535-FDW

ZAYO GROUP, LLC V. NETWORK RESOURCE TECHNOLOGIES CORP.

**CERTIFICATION AND REPORT OF F.R.C.P 26(f) CONFERENCE
AND PROPOSED DISCOVERY PLAN**

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held
on **1/7/22** between :

Derek M. Bast
Anthony J. Jorgenson
James Calvin Cunningham, III

2. Pre-Discovery Disclosures.

- ☒ The information required by Fed. R. Civ. P. 26(a)(1) will be exchanged by
1/26/22 .
☐ The parties stipulate out of or object to mandatory initial disclosures.

3. Brief Statement of the Nature and Complexity of the Case.

This is an action for the alleged breach of agreements as a result of Defendant's failure to pay for telecommunications services provided by Plaintiff. Defendant denies that it has breached the agreements and alleges that it has paid all amounts actually due to Plaintiff. The Parties do not believe that the substantive issues are particularly complex.

4. Case Management Track.

☒ The parties jointly request that this matter be assigned to the Standard Track. If this case management track is assigned, the discovery completion deadline would be **6/24/22** and the dispositive motions deadline would be **7/22/22**.

☐ The parties disagree as to the appropriate case management track.

☐ (Check if applicable and explain below.) Identify any anticipated conflicts (including personal or professional obligations, family or medical leave, or vacation that has been secured in advance) upon which any party or counsel would seek to have the discovery period extended by a reasonable period of not more than eight (8) weeks and/or the trial setting continued not more than one (1) complete motions/trial calendar cycle beyond that which otherwise would be justified based solely on the nature and complexity of the case:

5. Discovery Plan. The parties jointly propose to the Court the following discovery deadlines and limitations.

(a) *Deadline for motions* to join additional parties or otherwise amend the pleadings: **3/4/22** .

(b) *Discovery Limits:*

- 1) Maximum of 25 interrogatories per party.
- 2) Maximum of 25 requests for production per party.
- 3) Maximum of 25 requests for admission per party.
- 4) Maximum of 30 hours of oral deposition per party.

(c) *Expert reports* from retained experts under Rule 26(a)(2) will be due:

- from plaintiff(s) by **4/29/22** ;
- from defendant(s) by **5/27/22** ;

Supplementations under Rule 26(e) due **prior to 6/24/22** .

(d) *Special Issues Regarding the Scope and Schedule of Discovery.* (Note that in cases complex enough to warrant the bifurcation of discovery or other proceedings, the parties may propose separate phases of discovery, provided that the aggregate amount of time allocated to all phases of discovery does not exceed the total number of weeks permitted for discovery given the appropriate case management track.)

(e) *Objections:*

6. Other Items.

(a) Initial Pretrial Conference. The parties do not request conference with ☒ the Court prior to the entry of a Case Management Order.

(b) Alternative Dispute Resolution.

Based upon preliminary discussions, settlement in this case **cannot yet be adequately evaluated.** The prospect of settlement may be enhanced by use of the following ADR procedure:

- ☒ Mediated Settlement Conference
- ☐ Judicial Settlement Conference
- ☐ Binding Arbitration
- ☐ Other:

The parties agree that the above-selected ADR procedure would be most useful if conducted:

- ☐ Prior to further discovery.
- ☒ After an initial round of preliminary discovery to be completed by **1/26/2022**.
- ☐ After the completion of discovery.

(c) Trial Estimates. If this case is ultimately tried, trial is expected to take approximately three (3) days. This case will be tried with a jury.

(e) Local Civil Rule 73.1(C) Certification.

- ☒ The parties have discussed the issue of consent to the jurisdiction of a U.S. magistrate judge. If unanimous consent is present, file an executed Joint Stipulation of Consent form (WDNC Form 34) contemporaneously with the CIAC or else the option to consent may be deemed waived as untimely.

7. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, privilege, and electronically stored information):

The Parties anticipate requesting that the Court enter an agreed protective order governing the production and use of confidential or proprietary business information and documents.

s\Derek M. Bast

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Attorney for Defendant(s)

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